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MICHAEL RODAK, JR., CLERK

In the Supreme Court of the United States

OCTOBER TERM, 1976

NO. 75-1018

COLUMBIA PICTURES INDUSTRIES, INC.,

Petitioner

versus

THE POSTER EXCHANGE, INC.,

Respondent.

RESPONSE TO PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT

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STATEMENT

On or about March 23, 1976, counsel for the respondent were notified by letter from the Clerk that the Court had requested that ". . . a response be filed in this case."

The reason why no response has heretofore been filed is that counsel believe that in view of all the facts and circumstances the petitioner's prayer for a writ of certiorari in this case should be granted.

More fully, the respondent agrees with petitioner's contention that the court below has misconceived the true meaning and effect of the doctrine of collateral estoppel.

More specifically, we agree with the contention that the petitioner is as much entitled to invoke the doctrine

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of collateral estoppel as any of its co-defendants, all of whom the court below has exonerated on the strength of the doctrine.

By saying this, we do not mean to admit that the petitioner should be exonerated, but we believe that the best interests of all concerned, including the public interest, would be best served by issuance of a writ of certiorari in this case.

Respectfully submitted,

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ATTORNEYS FOR RESPONDENT

CERTIFICATE

I certify that copies of the above and foregoing Response have been forwarded to opposing counsel by depositing said copies in the United States Mail, with proper postage affixed, on this 21st day of April, 1976.

C. ELLIS HENICAN, JR.